

FARMINGTON CITY COUNCIL MEETING

November 7, 2017

REGULAR SESSION

Present: Mayor Jim Talbot; Councilmembers John Bilton, Doug Anderson, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:03 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by City Manager **Dave Millheim** and the Pledge of Allegiance was led by Councilmember **Cory Ritz**.

PUBLIC HEARINGS:

Mountain View PUD Subdivision Schematic Plan, Preliminary PUD Master Plan and Rezone

David Petersen presented information related to the PUD approval and related actions. The property is located at 650 West and bound by a row of existing homes to the west and Legacy Highway to the East. It is between 250 South and State Street. UDOT was the previous owner of the property but following the completion of the Legacy Highway declared the property surplus and sold to the applicants.

The item before the Council is a proposed rezone. The existing zone is Agriculture Estates though the property has not been farmed in 14-15 years; the requested rezone is Residential. The yield plan results in approximately 8,000 square foot lots; the proposed PUD has an increase in density and reduced lot side and must provide open space in order to do that. The applicant has indicated the desire to mirror Kestrel Bay and the Fairways at Oakridge in terms similar housing sizes and smaller lots.

The Planning Commission reviewed the PUD schematic plan, the preliminary PUD Master Plan and the rezone at three different meetings. The staff report contains two alternative motions, one for approval and the other for denial. Regarding the motion for approval, findings eight and nine indicate that because of the proposed trail connection and proximity to the Regional Park the open space requirement could be adjusted. In the findings for denial, the staff report draws on Farmington City Code Title 11, Chapter 6 regarding rezones and Planning Commission and City Council review asking whether or not the rezone is reasonably necessary, in the public interest, consistent with the City General Plan and in harmony with the objectives and purpose of the Zoning Ordinance. The Planning Commission indicated that they favored the socioeconomic diversity that varying home sizes would bring and acknowledged the challenges in developing so near the Legacy Highway,

noting that ½ acre lots may not be the best fit for the area. Ultimately, the Planning Commission voted 4-2 to deny the rezone.

Randall Rigby, 245 South Cobble Creek Road in Farmington, spoke as the applicant and stated that he was working to develop the property with Joe Kennard, of Farmington, and Shane Smoot of Centerville. They have reached out to Brighton Homes to be potential builders on the project and have been working with Reeve Engineering. The developers seek to work with those that value Farmington, quality work and community. Initially, the property was to be developed as an extension of Miller Meadows, but when analyzing the property and its limitations, they determined another direction was needed and decided that a development similar to Kestrel Bay would be desirable.

Randy Rigby expressed the desire to bring quality people to Farmington. He noted that they have sought input from adjacent property owners and will continue to have dialogue with residents. The development will be nice homes on smaller lots that will work for those looking to have less yard maintenance.

Councilmember **Brett Anderson** asked about the biggest complaint that the developer is hearing from residents. **Randy Rigby** noted that the main objection seems to be about density. Farmington residents are accustomed to larger lots and a lot of open space; this property does not fit into that mold. Councilmember **Doug Anderson** asked why the issue was not revisited by the Planning Commission after the denial of the rezone. **Dave Millheim** said that the item has been before the Planning Commission a number of times and revisited, but rather than table the issue they voted to deny the rezone; the next step is for a review by the City Council. **David Petersen** shared that the first public hearing in front of the Planning Commission was comprised of a few comments about not supporting the rezone, but the majority of those speaking about the rezone were supportive of what was proposed. The Planning Commission then held a study session with the applicant and reviewed some questions related to layout. Those speaking at the second public hearing were opposed to the density. There was no agreement among the Planning Commission members regarding lot sizes.

Brett Anderson referenced a Fieldstone development that was able to adjust lot sizes on the periphery of the project to reduce the overall density. **David Petersen** noted that the applicant had adjusted lot sizes and reconfigured open space and then arrived at the 40 lot plan. **Randy Rigby** noted that the lots along Legacy Highway could have the side lots widened, but could not add depth, so they determined that it was better to maintain the proposed density and request a waiver of the open space requirement.

Mayor **Jim Talbot** introduced the rules of the Public Hearing and requested those present to limit their comments to three minutes, and be mindful not to repeat information previously presented but rather add new information with their comments.

Mayor Jim Talbot opened the public hearing at 7:44 p.m.

Donna Whitaker, 601 West State Street, noted that she is an adjoining property owner and is not opposed to housing. She noted that not all development is good and is concerned that the density of the proposed development would increase the traffic. The high school is not yet finished and the area has not fully realized the impact of the increased traffic from the new schools. She noted that traffic is very heavy at school drop-off and pick-up times. Those living on 650 West bought properties that would enable them to have animals and big gardens and because they value open space. She has seen dairies disappear because of complaints. She also stated that she was a representative of the Clark

Water company which maintains a 5 foot open ditch easement along the property. She is concerned that the open ditch would be a hazard to residents and would like the developers to address concerns before approval.

Ryan Toone, 468 East 200 South, stated that he was in favor of the development, noting that he moved to Farmington 10 years ago and has 4 kids. He enjoys the area and has friends that are interested in moving to Farmington in the proposed development. He stated that the proposal would be a great use for an awkward piece of land and the layout presented appears to be a good opportunity for all.

Jim Checketts, 576 West 350 South, moved to the area in 1999 and would probably support this development if he was not living in the area. He said that it “doesn’t smell right, or feel right” and is concerned with the representation that this is the best use or only use for the property. Why does it have to be developed at all? He suggested that this was the best use if the intended outcome was maximized profits and then 40 lots would be appropriate. The lot sizes presented during the Planning Commission meetings and the City Council meeting have varied between 5000 and 8000 square feet or 1/8th of an acre to 1/5th of an acre. How will a 2500 square foot home be built on that size lot? He expressed frustration that only the adjoining property owners were approached. He reiterated that there were better uses for the property and that only the developers were winning in this proposal.

Natalie Hogan, 417 South 650 West, moved to Farmington because she valued the rural feel. If this proposal is approved, the fields behind her home could turn in to another high density development and she is concerned that her home will become the open space for the area. She stated that the density does not seem to match surrounding areas, and that while planning for growth the City should preserve open space and enhance existing property. She noted that the General Plan had not been updated since 1993 and suggested that the rules be followed until it undergoes an update.

Ken Williams, 513 South 1025 West, noted that Farmington does not have the infrastructure to take care of this and that this is not a developable property. He expressed concern that if this was approved that all property left within the City would be developed with similar density because it is how developers make money. He noted that the High School is not yet open and that traffic to it and the gym will increase. There is a need for parking and through traffic. He noted that a friend in a development near Oakridge with a similar lot size has been unsuccessfully trying to sell his property for 2 years. He noted that people do not like living there because there is nowhere to park boats, RVs and there are no side yards.

Lisa Webster, 732 West 500 South, said she is opposed to rezoning the property. She expressed concern for the increased traffic related to the proposed density. She noted that the “floodgates” have already been open from the area and the impact of the High School has not yet been felt. Residents in the area have had nothing but construction with Station Park, Farmington High School, Canyon Creek Elementary school and the related road projects. She cautioned the Council to “think long and hard” about changing zoning and not abiding by Master Plan. She stated that people are dissatisfied and disappointed in the development of West Farmington, and not being heard or represented. She shared that this feeling will be reflected in the outcome of future elections because “people have had it.” She recommended denying the rezone as the Planning Commission has done.

Terry Remington, 492 West 700 South, stated concerns related to the Miller Meadows development and impact on the area of 650 West and adding to the traffic. The request was made to put off this

development until after the impacts of the High School traffic are studied. Terry Remington noted that the proposed homes have shallow driveways which will lead to an increase of on-street parking and said that the proposal should be reconfigured and designed before approval.

Annette Crowley, 1743 West Spring Meadow Lane, stated that she does not live in the adjacent neighborhood, but as a member of the community has a reasonable expectation that City leaders are following the guidelines in place. She chose to live in Farmington because of the open space. She stated that she does not feel that the process and policies are being followed. She noted that the remark about “quality people” was offensive and that income level does not determine quality. She noted that the Master Plan has not been updated since 1993 and questioned whether or not the process is being followed for exceptions and variances and whether that is being tracked by the city. She asked how many times a variance for open space has been given, and how many times a planner has disagreed with the Planning Commission and the Council votes against the recommendations of the Planning Commission. As a resident, she expects that outlined processes will be followed.

Dr. Bryce Crowley, 1743 West Spring Meadow Lane, is a resident and business owner in Farmington and has lived in the City since April 2014. He asked that the Council vote “no” for the reasons that the Planning Commission denied the rezone. He noted that the staff recommendations are inconsistent in points, and questioned the exceptions to city ordinances. He asked what is going to take for the City to follow the ordinances and the Master Plan and suggested that it may come to a lawsuit. He reviewed information from the staff report noting that the lot setbacks do not meet the ordinances for the side yards and the front of the property. He feels that it is “double-dipping” to request a waiver for the open space requirement and receive the density bonus. He shared that for Meadow View Phase 2 waivers for open space were received against his and neighbor’s wishes. He questioned whether trading property for the open space waiver meets the intent of the open space requirements.

Todd Gibbs, 595 West 350 South, thanked previous commenters and noted that he had been pulled out of his comfort zone but that attending the Planning Commission meetings and the City Council meeting had been an educational process. He stated that the Planning Commission has vetted the project and made a recommendation. He said that things have been misrepresented by the planners. He argued that there should be a buffer between the neighborhood and Station Park which is being eroded. This property does not need to be rezoned and he hoped that development in the area could settle before the addition of 40 homes. He asked that the City Council follow the recommendations of the Planning Commission.

Wendy Rasmussen, 1233 West 175 South, shared that she has a concern regarding the density of the project and does not feel like the City is listening to residents on the matter. The project is not consistent with the surrounding area and making the lot sizes bigger will not work. She feels that State Street is a natural boundary to development and things should “stop creeping” into agricultural zones. She was concerned that the Master Plan has not been updated since 1993. She is opposed to the rezone and said that the Planning Commission has vetted the issue and their recommendation should be followed.

Chrissy Guest, 250 South 553 West, expressed opposition to the density of the project. She has been involved in the Planning Commission process. She noted that it was inaccurate to compare the

project to Kestrel Bay which abuts the frontage road, as this project is being “shoved in” behind acre lots. The lot sizes should be increased if this is to be approved.

Paulette Hewitt, 541 West 250 South, noted that she previously worked as a land appraiser in the County Assessor’s Office. She spoke of her concerns regarding open space. She shared her experience with developers in Syracuse and the creation of protection strips which would land lock property for the developers to later turn into a subdivision. She expressed concern that the open space designed in the project could later be bifurcated and sold as lots. She said that the roads within the project seem to “lead to nowhere”. She noted that parking in the adjacent neighborhoods is likely to become crowded with increased use of the Gym and Regional Park. Traffic will be in issue with the High School, not just at pick-up and drop-off times, but also as students go to and from Station Park during a lunch break. She is in favor of developing the property but it should be done properly.

Eric Oldroyd, 558 west 350 South, expressed thanks for the opportunity to speak and noted that he agrees with those expressing opposition to the project. He reminded the Council that they represent the people that vote for them and that they serve at the pleasure of the people. He has felt an apathy toward the people of West Farmington and an apathy toward people that own animals. He was frustrated by the lack of notice regarding the apartments that were constructed at the top of 650 West. He received a flier about an approval of high density housing and wanted to attend the Council meeting to observe the outcome of the vote. He sees no good reason that the rezone should move forward. This vote sets a precedent for development in the area and if approved would likely be replicated all over the city.

Tiffany Ames, 269 West State Street, shared that she is not directly impacted by the development by knows the frustration about not being able to get out of her driveway due to school related traffic. She is concerned about where additional traffic will impact the area and the already dangerous traffic in the school zone of Farmington Elementary and Farmington Junior High. She also shared that a development near 350 West has struggled to sell large homes on small lots. She bought her home along a busy road, but with the reassurance that a Master Plan was in place to guide future development.

Paul Jaussi, 415 West Rigby Court, lives in Miller Meadows and has worked in the banking industry since 2008. He shared that financing for a project like this would be difficult to obtain with the large homes on small lots. He wondered if the same development were being created on Compton Bench if the City would look as favorably on the proposal.

A member of the audience asked if the City Council was following on Facebook to review comments being made on the issue by those not in attendance at the meeting. **Doug Anderson** stated that he had been reviewing comments. **Jim Talbot** noted that the Council is receptive to the comments of the community and reviews e-mails and tries to respond accordingly.

Mayor Jim Talbot closed the public hearing at 8:41 p.m. He then asked the Council to comment on the item prior to a vote.

Councilmember **Cory Ritz** spoke with the applicant in the early stages of development and was informed that they would be patio homes aimed at those older than 55. The concept has since changed and the density has increased. He expressed concern about traffic and its unknown impacts on infrastructure He was reluctant to approve anything new until the impact of other development in

the area can be determined. The high school will add a lot of traffic to the area. **Cory Ritz** noted that he does not see a need to update the Master Plan for infill projects and that changes to the Master Plan should not be development driven. The argument for trail access, and increased density in lieu of open space is not supported by this project. **Cory Ritz** suggested that the project could be developed with 24 lots plus that with an open space bonus could be 30 lots which would have fewer impacts, and could be approved using the PUD process within existing zoning.

Doug Anderson noted the willingness of the Council to have public hearings and listen to feedback and that it tries to be responsive to the various concerns of residents. He stated that he was opposed the Master Plan change in this instance but is not opposed to development in the area. He values the recommendation of the Planning Commission which has previously vetted the development.

Councilmember **John Bilton**, noting that the approval would require a supermajority and Cory Ritz and Doug Anderson spoke against the approval, offered a contrarian view, arguing that Davis County and the Wasatch Front has seen, and will continue to see, enormous population growth. Farmington has been the lone voice of dissent regarding the West Davis Corridor and has fought for the values of preservation of conservation easements and smart growth. He has been a resident of the City for 25 years and notes that the issues facing the community will bring dramatic change. If the City determines that it only wants development in ½ acre lots, residents will feel increased property taxes. He noted that healthy communities need some gradation in housing types. The City will not be able to see the work-play-live design realized unless it grapples with some of these issues. His recommendation was to table the issue and request more information from the applicant.

Brett Anderson questioned whether or not the City Council could approve the PUD and noted that within the Farmington City Code (11-27-120) density may be increased at the discretion of the planning commission and the concurrence of the city council. Where the Planning Commission denied the rezone and did not address the PUD approval, he felt that the City Council could not approve the PUD approval without further information and legal review. Related to the apartments near 650 West he explained that once an area gets zoned, the City cannot stop development that is a permitted use. The City is careful about the unintended consequences of rezones and similar action. He also noted that the General Plan indicates updates were made in 2005, 2007 and 2008 and stated that the purpose is to set goals for the City. The PUD process is in place to promote flexibility of site design but should be the exception. Waivers should be limited, appropriate and necessary. The proposed PUD will not work without granting several waivers. He shared that he believes in property rights and the right to develop, but does not feel the plan should be approved in its current form.

Councilmember **Brigham Mellor** noted that the approval is a legislative decision and is subjective. One could make arguments in favor of approval. He also noted that the pressure for development will continue and he supports the idea of preserving the “Farm in Farmington” as long as farmers want to preserve that, but he will not infringe on private property rights. He shared an email regarding the development from Kelly Maxfield who noted that the property is unable to be farmed because of water restrictions on Legacy. The majority of Farmington residents did not live in Farmington in 2000. He noted that the proposed smaller lot sizes are 25% smaller than Miller Meadows and would be a good fit for those who want reduced lawn maintenance. He does not have any particular problems with approving the development, and would like to see if some of the concerns can be resolved before approval.

Jim Talbot noted that the he and City Council listen to the concerns of residents and that as they determine what is in Farmington's best interest, their decisions may not be supported by all residents. He asked **Randy Rigby** if he would like to address any concerns before a vote was held.

Randy Rigby underscored his desire for respectful dialogue and his hope for building up the community. He noted that in business he is used to dealing with people face-to-face to come up with solution. He complimented City staff who has been helpful as the developer has sought clarification and worked through the Planning Commission vetting process. He expressed frustration with not having feedback before now, and wants to move forward with a plan for public feedback to arrive at something that will be fair and will work for all involved.

The Council and staff discussed the options to have the applicant withdraw the item, to deny the rezone, or to table to discussion. It was noted that denying the rezone would limit the developer's ability to apply for the same Residential designation for the period of one year. **Dave Millheim** sought for some consensus among the councilmembers noting that there was a legal question as posed by **Brett Anderson** that needed some consideration, that some members had stated an opposition to the rezone, and noted further that the open space waiver requires a 4/5 vote. He suggested that the Council vote on the issue, or vote to table the action for later discussion. **Dave Millheim** shared that a lot of feedback from the Community and the Council was received and that it was up to the applicant to address the concerns. The applicant could request a work session or a joint meeting with the Planning Commission to work on some specific issues. **Jim Talbot** suggested to the applicant that an open house could be held to further solicit feedback from residents.

Brigham Mellor asked regarding the utility of tabling the issue of the Council was not in favor of the proposed PUD. **Brett Anderson** said that he was not adverse to the PUD if it otherwise fits the requirements, but that he would not be able to approve it without resolving some of the issues identified. **Cory Ritz** and **Doug Anderson** expressed agreement with **Brett Anderson's** statement.

Motion:

Brigham Mellor moved to table the discussion for a future Council meeting. **John Bilton** seconded the motion. Councilmembers **Brett Anderson**, **John Bilton**, **Cory Ritz** and **Brigham Mellor** voted in favor; **Doug Anderson** was opposed as he felt that the issue had been discussed sufficiently. The motion carried and the matter was tabled.

The City Council and others present took a rest break at 10:00 p.m. and reconvened at 10:13 p.m. Councilmember **John Bilton** was excused that time.

OLD BUSINESS:

West Davis Corridor Scenic By-way Designation Resolution of Support

David Petersen reviewed the information in the staff report, summarizing that the Legacy Highway achieved the designation of scenic highway before the construction was completed. **Brigham Mellor** provided an update and stated that the Scenic Byway Committee met on November 6 and viewed the proposal favorably. **Brigham Mellor** and **Jim Talbot** intend to make a request of the Davis County Council of Governments for financial support in obtaining the designation.

Motion

Doug Anderson moved to approve the enclosed resolution supporting the extension of the Great Salt Lake Legacy Parkway Scenic Byway and renaming it The Great Salt Lake Scenic Byway. **Brett Anderson** seconded the motion. The motion was approved unanimously.

SUMMARY ACTION:

1. Approval of Minutes from October 17, 2017
2. Comcast Television Franchise Agreement

Jim Talbot asked about the term of 10-years on the franchise agreement; **Dave Millheim** said that it was standard practice.

Motion:

Brett Anderson moved, with a second from **Doug Anderson**, to approve summary action item 1 and 2 as contained in the staff report.

The motion was approved unanimously.

GOVERNING BODY REPORTS:

City Manager Report

1. Police Monthly Activity Report for September
 - a. **Dave Millheim** asked that the Council be aware of the strong concerns that the City, Chief Smith and Chief Hansen have regarding potential public safety study the County is initiating.
2. Storm Drainage Issue
 - a. This will be on a future agenda, but there is a storm drainage issue that needs to be corrected near the Ritz property.
3. Fiber Optic Survey
 - a. The City will initiate a survey to gauge the interest of residents related to fiber optics. The results will be brought back to the Council for action.
4. Senator Adams and Pluralsight
 - a. **Dave Millheim** stated that Senator Adams is upset that Pluralsight is moving and is questioning why state training credits are given to companies that then move to other cities. Staff will keep the Council informed of any meetings or discussions regarding the Pluralsight move.

Mayor Talbot & City Council Reports

Councilmember Cory Ritz

Cory Ritz stated that he had attended a mosquito abatement training, but had no other updates to report.

Councilmember Doug Anderson

No updates to report.

Councilmember Brett Anderson

No updates to report.

Councilmember Brigham Mellor

No updates to report.

Mayor Jim Talbot

Jim Talbot explained the funding request from Davis Technical College. They are planning to build a new nursing building and are looking for a financial commitment from neighboring cities. They will eventually ask the Legislature for additional funding, but want to be able to show strong commitments before making that request.

Motion

Doug Anderson moved that the City donate \$5,000 to Davis Technical College for costs related to their new healthcare building. **Cory Ritz** seconded the motion which was approved unanimously.

ADJOURNMENT

Motion:

At 10:35p.m., **Brigham Mellor** moved to adjourn the meeting with no objection.

Holly Gadd, City Recorder

Posted December 8, 2017